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OFFICE OF PETITIONS

In re Application of
Wen Zhao, et. al.
Application No. 10/789,298
Filed: February 27, 2004
Attorney Docket No. 0108-0241/US

DECISION ON PETITION

This is a decision on the renewed petition, filed August 1, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

In response to the decision mailed on June 19, 2008, petitioner submits the present renewed petition along with a legible copy of a docket record.

The showing required to establish the failure to receive the Office action, under 37 CFR 1.181, must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

Since the petition satisfies the above-stated requirements, the application was not abandoned in fact. Therefore, the petition is GRANTED.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2617 for re-mailing the Office action of January 17, 2007. The period for reply will run from the mailing date of the Office action.

The record does not indicate a change of correspondence address. Therefore, a courtesy copy of this decision is being mailed to the address given in the petition; thereafter, the Office will mail all future correspondence solely to the address of record unless otherwise indicated.



Andrea Smith
Petitions Examiner
Office of Petitions

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